IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4379 of 2006()

CRA.849/2003 of ADDL.SESSIONS COURT, PARAVUR
CC.612/2000 of JUDL.MAGISTRATE OF FIRST CLASS-I, ALUVA

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REVN. PETITIONER/APPELLANT/ACCUSED:

THULASI, W/O. CHANDRASEKHARAN NAIR,
VELIYATHUPARAMBIL HOUSE,
WEST KADUNGALLOOR.

BY ADV. SRI.K.S. ARUN BABU

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:

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1. SALIMKUMAR, S/O. NARAYANAN,
PATTANKATTIL HOUSE,
WEST KADUNGALLOOR.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.V.K.VEERAVUNNY
R2 BY PUBLIC PROSECUTOR ADV. SHRI C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P. 4379 OF 2006

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Dated this the 7th December , 2006

O R D E R

The petitioner was convicted for the offence under section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of three months . He was also directed to pay a sum of Rs. 60,000/- as compensation to the complainant under section 357(3) of the Code of Criminal Procedure . On appeal, the appellate court confirmed the conviction and sentence.

2. An application filed under section 147 of the Negotiable Instruments Act and under section 320 of the Code of Criminal Procedure signed by the complainant as well as the accused was filed and that application was allowed.

Accordingly, the Crl. Revision Petition is allowed. The conviction and sentence imposed on the petitioner are set aside. The petitioner is acquitted under section 320(8) of the Code of Criminal Procedure.

K.T. SANKARAN,
JUDGE.

lk

K.T. SANKARAN, J.

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CRL. M.A. No. 12429 OF 2006
IN CRL. R.P.No. 4379 OF 2006

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Dated this the 7th December , 2006

O R D E R

This is an application for condonation of delay of 624 days in filing the revision petition. It is stated in the affidavit that the petitioner's husband was conducting a bus service which ended in loss. It is also stated that at his instance, several cheques were issued to several persons and that the petitioner was convicted in many cases. The petitioner had undergone 45 days' imprisonment . Moreover, the dispute is settled between the parties and a petition for compounding the offence is filed. In the facts and circumstances of the case, the delay is condoned.

Number the Crl. Revision Petition and the petition for compounding.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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CRL. M.A. No. 12668 OF 2006
IN CRL. R.P.No. 4379 OF 2006

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Dated this the 7th December , 2006

O R D E R

This is an application filed under section 147 of the Negotiable Instruments Act and under section 320 of the Code of Criminal Procedure seeking permission to compound the offence under section 138 of the Negotiable Instruments Act. The application is signed by the revision petitioner/ accused and the first respondent/complainant as well as their counsel. It is stated that the dispute is settled between the parties and that the first respondent/ complainant has no grievances. The application is allowed.

K.T. SANKARAN,
JUDGE.

lk